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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,117	07/31/2000	Howard Marantz	30566.112-US-U1	4975
22462	7590	06/04/2004	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			BOUTAH, ALINA A	
			ART UNIT	PAPER NUMBER
			2143	
DATE MAILED: 06/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. <u>09/629,117</u>	Applicant(s) <u>MARANTZ ET AL.</u>
	Examiner <u>Alina N Boutah</u>	Art Unit <u>2143</u>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 March 2004.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-49 is/are pending in the application.

4a) Of the above claim(s) 1-10,13-22,25-34,38-40,42-44 and 46-48 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 11,12,23,24,35-37,41,45 and 49 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 31 July 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 247.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election with traverse of Group B, namely claims 11-12, 23-24, 35-37, 41-45 and 49, in Paper No. 6 is acknowledged. The Patent Office would like to point out the mistake made in the previous Restriction requirement. The grouping of the claims should have been made as follows:

Group A: claims 1-10, 13-22, 25-34, 38-40, 42-44 and 46-48.

Group B: claims 11-12, 23-24, 35-37, 41, 45, and 49.

Since Applicant elected Group B, claims 11-12, 23-24, 35-37, 41, 45, and 49 will be present for examination in this Office Action.

The traversal is on the ground(s) that there is no serious burden on the Examiner to collectively examine the different claim groups of the subject application. This is not found persuasive because the inventions are distinct, each from the other because of the following reasons:

- (a) these inventions have acquired a separate status in the art as shown by their difference classifications.
- (b) the search required for each Group is different and not co-extensive for examination purposes.

For example, the searches for the two inventions would not be the co-extensive because these Groups would require different searches on PTO's classification class and subclass as following:

The Group A search (claims 1-10, 13-22, 25-34, 38-40, 42-44 and 46-48) would require use of search **class 709, subclass 203** (not required for the invention B).

The Group B search (claims 11-12, 23-24, 35-37, 41, 45, and 49) would require use of search **class 701, subclass 200** (not required for the invention A).

For the reasons above, restriction for examination purposes as indicated is still deemed proper and is therefore made FINAL.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23, 35 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23, 35 and 45 recite the limitation "the personal digital assistant." There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-12, 23-24, 35-37, 41, 45, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,654,683 issued to Jin et al.

Regarding claim 11, Jin teaches a system for accessing geographic information comprising:

- (a) a personal digital assistant (figure 1, 105);
- (b) an application on the personal digital assistant, the application configured to
  - (i) request map data from a servlet (figures 5 and 7; col. 10, lines 19-41);
  - (ii) receive the map data in a file constructed prior to the servlet receiving the request (col. 4, lines 48-67);
  - (iii) format the map data (figure 5; col. 8, lines 3-18);
  - (iv) display the map data on a screen of the personal digital assistant (figure 6; col. 8, lines 3-18).

Regarding claim 12, although Jin does not explicitly teach the system of claim 11 wherein the request is a 'GET' HTTP request, it is well known in the art that a servlet is a program that runs as part of a network service, typically an HTTP server and responds to requests from clients. In this case, since the PDA requests map data from a servlet, it must do so by a GET HTTP request.

Claims 23-24 have similar limitations as claims 11-12, therefore are rejected under the same rationale.

Claims 35-37 have similar limitations as claims 11-12, therefore are rejected under the same rationale.

Regarding claim 41, Jin teaches a system for accessing geographic information comprising:

- (a) a personal digital assistant (figure 1, 105);
- (b) an application on the personal digital assistant, the application configured to
  - (i) request map data from a servlet (figures 5 and 7; col. 10, lines 19-41);
  - (ii) receive the map data in a mapset constructed in parallel on multiple processing units (col. 4, lines 48-67);
  - (iii) format the map data (figure 5; col. 8, lines 3-18);
  - (iv) display the map data on a screen of the personal digital assistant (figure 6; col. 8, lines 3-18).

Claims 41 and 49 have similar limitations as claim 41, therefore are rejected under the same rationale.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. USPN 5,528,248 issued to Steiner et al.
2. USPN 6,321,158 issued to DeLorme et al.
3. USPAP 2002/0128903 by Kernahan.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Thursday (9:00 am-7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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